

(2) *the person obtained the information by a means other than the criminal history clearinghouse established under Section 411.0845, Government Code.*

SECTION 4. Subchapter E–1, Chapter 37, Education Code, is amended by adding Section 37.148 to read as follows:

Sec. 37.148. RIGHT TO REPORT CRIME. (a) An employee of a school district or open-enrollment charter school may report a crime witnessed at the school to any peace officer with authority to investigate the crime.

(b) A school district or open-enrollment charter school may not adopt a policy requiring a school employee to:

(1) refrain from reporting a crime witnessed at the school; or

(2) report a crime witnessed at the school only to certain persons or peace officers.

SECTION 5. Section 39.06(a), Penal Code, is amended to read as follows:

(a) A public servant commits an offense if, in reliance on information to which *the public servant [he]* has access by virtue of *the person's [his]* office or employment and that has not been made public, *the person [he]*:

(1) acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;

(2) speculates or aids another to speculate on the basis of the information; or

(3) as a public servant, including as a ~~[principal of a]~~ school administrator, coerces another into suppressing or failing to report that information to a law enforcement agency.

SECTION 6. The change in law made by this Act to Section 39.06, Penal Code, applies to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7. This Act takes effect September 1, 2015.

Passed by the House on May 12, 2015: Yeas 138, Nays 6, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 1783 on May 29, 2015: Yeas 141, Nays 4, 2 present, not voting; passed by the Senate, with amendments, on May 27, 2015: Yeas 31, Nays 0.

Approved June 19, 2015.

Effective September 1, 2015.

**TRANSFER OF DRIVER AND TRAFFIC SAFETY EDUCATION
FROM THE TEXAS EDUCATION AGENCY AND THE
DEPARTMENT OF PUBLIC SAFETY TO THE TEXAS
DEPARTMENT OF LICENSING AND REGULATION;
CHANGING THE AMOUNTS OF CERTAIN FEES**

CHAPTER 1044

H.B. No. 1786

AN ACT

relating to the transfer of driver and traffic safety education from the Texas Education Agency and the Department of Public Safety to the Texas Department of Licensing and Regulation; changing the amounts of certain fees.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 29.902(a), Education Code, is amended to read as follows:

(a) The *Texas Department of Licensing and Regulation* [agency] shall develop a program of organized instruction in driver education and traffic safety for public school students. A student who will be 15 years of age or older before a driver education and traffic safety course ends may enroll in the course.

SECTION 2. Section 51.308, Education Code, is amended to read as follows:

Sec. 51.308. DRIVER EDUCATION. A driver education course for the purpose of preparing students to obtain a driver's license may be offered by an institution of higher education, as defined by Section 61.003, with the approval of the *Texas Department of Licensing and Regulation* [Central Education Agency].

SECTION 3. Section 1001.001, Education Code, is amended by amending Subdivisions (2), (3), (4), and (5) and adding Subdivision (13-a) to read as follows:

(2) "Approved driving safety course" means a driving safety course approved by the department [commissioner].

(3) "Commission" ["Commissioner"] means the *Texas Commission of Licensing and Regulation* [commissioner of education].

(4) "Course provider" means an enterprise that:

(A) maintains a place of business or solicits business in this state;

(B) is operated by an individual, association, partnership, or corporation; and

(C) has received an approval for a driving safety course from the department [commissioner] or has been designated by a person who has received that approval to conduct business and represent the person in this state.

(5) "Department" means the *Texas Department of Licensing and Regulation* [Public Safety].

(13-a) "Executive director" means the executive director of the department.

SECTION 4. Section 1001.002(c), Education Code, is amended to read as follows:

(c) A driver education course is exempt from this chapter, other than Section 1001.055, if the course is:

(1) conducted by a vocational driver training school operated to train or prepare a person for a field of endeavor in a business, trade, technical, or industrial occupation;

(2) conducted by a school or training program that offers only instruction of purely avocational or recreational subjects as determined by the department [commissioner];

(3) sponsored by an employer to train its own employees without charging tuition;

(4) sponsored by a recognized trade, business, or professional organization with a closed membership to instruct the members of the organization; or

(5) conducted by a school regulated and approved under another law of this state.

SECTION 5. Section 1001.003, Education Code, is amended to read as follows:

Sec. 1001.003. LEGISLATIVE INTENT REGARDING SMALL BUSINESSES. It is the intent of the legislature that *commission* [agency] rules that affect driver training schools that qualify as small businesses be adopted and administered so as to have the least possible adverse economic effect on the schools.

SECTION 6. Section 1001.004, Education Code, as amended by Chapters 1253 (H.B. 339) and 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

Sec. 1001.004. COST OF ADMINISTERING CHAPTER. (a) Except as provided by Subsection (b), the cost of administering this chapter shall be included in the state budget allowance for the department [agency].

(b) The department [commissioner] may charge a fee to each driver education school in an amount not to exceed the actual expense incurred in the regulation of driver education courses established under Section 1001.1015.

SECTION 7. Sections 1001.051, 1001.052, and 1001.053, Education Code, are amended to read as follows:

Sec. 1001.051. JURISDICTION OVER SCHOOLS. The *department* [agency] has jurisdiction over and control of driver training schools regulated under this chapter.

Sec. 1001.052. RULES. The *commission* [agency] shall adopt [and administer] comprehensive rules governing driving safety courses.

Sec. 1001.053. POWERS AND DUTIES OF DEPARTMENT, COMMISSION, AND EXECUTIVE DIRECTOR [COMMISSIONER]. (a) The *department and executive director*, as appropriate, [commissioner] shall:

- (1) administer [the policies of] this chapter;
 - (2) enforce minimum standards for driver training schools under this chapter;
 - (3) [adopt and] enforce rules *adopted by the commission that are* necessary to administer this chapter; and
 - (4) *inspect* [visit] a driver training school or course provider and *reinspect* [reexamine] the school or course provider for compliance with this chapter.
- (b) The *executive director* [commissioner] may designate a person knowledgeable in the administration of regulating driver training schools to administer this chapter.
- (c) *The commission shall adopt rules necessary to administer this chapter.* The *commission* [commissioner] may adopt rules to ensure the integrity of approved driving safety courses and to enhance program quality.

SECTION 8. The heading to Section 1001.054, Education Code, is amended to read as follows:

Sec. 1001.054. RULES RESTRICTING ADVERTISING [~~OR COMPETITIVE BIDDING~~].

SECTION 9. Section 1001.054(c), Education Code, is amended to read as follows:

(c) The *commission* [commissioner] by rule may restrict advertising by a branch location of a driver training school so that the location adequately identifies the primary location of the school in a solicitation.

SECTION 10. Sections 1001.055(a), (a-1), (a-2), (b), and (c), Education Code, are amended to read as follows:

(a) The *department* [agency] shall provide to each licensed or exempt driver education school and to each parent-taught course provider approved under this chapter driver education certificates or certificate numbers to enable the school or [and each] approved parent-taught course provider [~~(approved by the Texas Department of Public Safety under Section 521.205 of the Transportation Code)~~] to print and issue *department-approved* [agency-approved] driver education certificates [with the certificate numbers] to certify [be used for certifying] completion of an approved driver education course and [to] satisfy the requirements of Sections 521.204(a)(2), *Transportation Code*, [and] 521.1601, *Transportation Code*, as added by Chapter 1253 (H.B. 339), *Acts of the 81st Legislature, Regular Session, 2009*, and 521.1601, *Transportation Code*, as added by Chapter 1413 (S.B. 1317), *Acts of the 81st Legislature, Regular Session, 2009*.

(a-1) A certificate printed and issued by a driver education school or parent-taught [~~Department of Public Safety approved~~] course provider approved under this chapter must:

- (1) be in a form required by the *department* [agency]; and
 - (2) include an identifying certificate number provided by the *department* [agency] that may be used to verify the authenticity of the certificate with the driver education school or approved parent-taught [~~Department of Public Safety approved~~] course provider.
- (a-2) A driver education school or parent-taught [~~Department of Public Safety approved~~] course provider approved under this chapter that purchases driver education

certificate numbers shall provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates. The driver education school or *approved parent-taught* ~~[Department of Public Safety approved]~~ course provider shall electronically submit to the *department* ~~[agency]~~ in the manner established by the *department* ~~[agency]~~ data identified by the *department* ~~[agency]~~ relating to issuance of *department-approved* ~~[agency-approved]~~ driver education certificates with the certificate numbers.

(b) The *commission* ~~[agency]~~ by rule shall provide for the design and distribution of the certificates and certificate numbers in a manner that, to the greatest extent possible, prevents the unauthorized reproduction or misuse of the certificates or certificate numbers.

(c) The *commission* by rule shall establish ~~[agency may charge]~~ a fee ~~[of not more than \$4]~~ for each certificate or certificate number.

SECTION 11. Sections 1001.056(b), (c), (d), (e), and (g), Education Code, are amended to read as follows:

(b) The *department* ~~[agency]~~ shall provide each licensed course provider with course completion certificate numbers to enable the provider to print and issue *department-approved* ~~[agency-approved]~~ uniform certificates of course completion.

(c) The *commission* ~~[agency]~~ by rule shall provide for the design of the certificates and the distribution of certificate numbers in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates or certificate numbers.

(d) A certificate under this section must:

(1) be in a form required by the *department* ~~[agency]~~; and

(2) include an identifying number by which the *department* ~~[agency]~~, a court, or the *Department of Public Safety* ~~[department]~~ may verify its authenticity with the course provider.

(e) The *commission* by rule shall establish ~~[agency may charge]~~ a fee ~~[of not more than \$4]~~ for each course completion certificate number. A course provider that supplies a certificate to an operator shall collect from the operator a fee equal to the amount of the fee paid to the *department* ~~[agency]~~ for the certificate number.

(g) A course provider shall issue a duplicate certificate by *United States* mail or commercial delivery. The *commission* ~~[commissioner]~~ by rule shall determine the amount of the fee for issuance of a duplicate certificate under this subsection.

SECTION 12. Section 1001.057, Education Code, is amended to read as follows:

Sec. 1001.057. ELECTRONIC TRANSMISSION OF DRIVING SAFETY COURSE INFORMATION. The *department* ~~[agency]~~ shall investigate options to develop and implement procedures to electronically transmit information relating to driving safety courses to municipal and justice courts.

SECTION 13. Subchapter B, Chapter 1001, Education Code, is amended by adding Section 1001.058 to read as follows:

Sec. 1001.058. ADVISORY COMMITTEE. (a) *The commission shall establish an advisory committee to advise the commission and department on rules and educational and technical matters relevant to the administration of this chapter.*

(b) *The advisory committee consists of eleven members appointed for staggered six-year terms by the presiding officer of the commission, with the approval of the commission, as follows:*

(1) *one member representing a driver education school that offers a traditional classroom course and in-car training;*

(2) *one member representing a driver education school that offers a traditional classroom course, alternative methods of instruction, or in-car training;*

(3) *one member representing a driving safety school offering a traditional classroom course or providing an alternative method of instruction;*

- (4) one member representing a driving safety course provider approved for a traditional classroom course and for an alternative method of instruction;
 - (5) one member representing a driving safety course provider approved for a traditional classroom course or for an alternative method of instruction;
 - (6) one licensed instructor;
 - (7) one representative of the Department of Public Safety;
 - (8) one member representing a drug and alcohol driving awareness program course provider;
 - (9) one member representing a parent-taught course provider; and
 - (10) two members representing the public.
- (c) The presiding officer of the commission shall appoint the presiding officer of the advisory committee. The presiding officer of the advisory committee may vote on any matter before the advisory committee.
- (d) A member may not serve two consecutive full terms.
- (e) If a vacancy occurs during a term, the presiding officer of the commission, with the approval of the commission, shall appoint a replacement who meets the qualifications of the vacated position to serve for the remainder of the term.
- (f) A member of the advisory committee may be removed from the advisory committee as provided by Section 51.209, Occupations Code.
- (g) Members of the advisory committee may not receive compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing the functions of the advisory committee, subject to the General Appropriations Act.
- (h) The committee shall meet at the call of the presiding officer of the commission.
- (i) Chapter 2110, Government Code, does not apply to the advisory committee.

SECTION 14. The heading to Subchapter C, Chapter 1001, Education Code, is amended to read as follows:

SUBCHAPTER C. OPERATION OF DRIVER EDUCATION SCHOOL [CURRICULUM]

SECTION 15. Sections 1001.101(a) and (b), Education Code, are amended to read as follows:

(a) The commission [~~commissioner~~] by rule shall establish or approve the curriculum and designate the educational materials [~~textbooks~~] to be used in a driver education course for minors and adults, including a driver education course conducted by a school district, driver education school, or parent or other individual under *this chapter* [~~Section 521.205, Transportation Code~~].

(b) A driver education course must require the student to complete:

(1) 7 hours of behind-the-wheel instruction in the presence of a person who holds a driver education instructor license or who meets the requirements *for a driver education course conducted by a parent or other individual under Section 1001.112* [~~imposed under Section 521.205, Transportation Code~~];

(2) 7 hours of observation instruction in the presence of a person who holds a driver education instructor license or who meets the requirements *for a driver education course conducted by a parent or other individual under Section 1001.112* [~~imposed under Section 521.205, Transportation Code~~]; and

(3) 30 hours of behind-the-wheel instruction, including at least 10 hours of instruction that takes place at night, in the presence of an adult who meets the requirements of Section 521.222(d)(2), Transportation Code.

SECTION 16. Section 1001.1015(a), Education Code, is amended to read as follows:

(a) The commission [~~commissioner~~] by rule shall establish the curriculum and desig-

nate the educational materials to be used in a driver education course exclusively for adults.

SECTION 17. Section 1001.102, Education Code, is amended to read as follows:

Sec. 1001.102. ALCOHOL AWARENESS INFORMATION. (a) The *commission* [agency] by rule shall require that information relating to alcohol awareness and the effect of alcohol on the effective operation of a motor vehicle be included in the curriculum of any driver education course or driving safety course.

(b) In developing rules under this section, the *commission* [agency] shall consult with the *Department of Public Safety* [department].

SECTION 18. Section 1001.1025, Education Code, is amended to read as follows:

Sec. 1001.1025. MOTORCYCLE AWARENESS INFORMATION. (a) The *commission* [agency] by rule shall require that information relating to motorcycle awareness, the dangers of failing to yield the right-of-way to a motorcyclist, and the need to share the road with motorcyclists be included in the curriculum of any driver education course or driving safety course.

(b) In developing rules under this section, the *commission* [agency] shall consult with the *Department of Public Safety* [department].

SECTION 19. Sections 1001.103(b), (d), and (e), Education Code, are amended to conform to S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and further amended to read as follows:

(b) The *department* [agency] shall develop standards for a separate school certification and approve curricula for drug and alcohol driving awareness programs that include one or more courses. Except as provided by *commission* [agency] rule, a program must be offered in the same manner as a driving safety course.

(d) ~~The department [In accordance with Section 461.013(b), Health and Safety Code, the agency] and the Department of State Health Services [Texas Commission on Alcohol and Drug Abuse]~~ shall enter into a memorandum of understanding for the interagency approval of the required curricula.

(e) ~~The commission [Notwithstanding Section 1001.056, Subchapter D, and Sections 1001.213 and 1001.303, the commissioner]~~ may establish fees in connection with the programs under this section. The fees must be in amounts reasonable and necessary to administer the *department's* [agency's] duties under this section.

SECTION 20. Sections 1001.104 and 1001.105, Education Code, are amended to read as follows:

Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES. (a) The *department* [agency] shall enter into a memorandum of understanding with the *state agency responsible for administering the vocational rehabilitation program* [Texas Rehabilitation Commission] and the *Department of Public Safety* [department] for the interagency development of curricula and licensing criteria for hospital and rehabilitation facilities that teach driver education.

(b) The *department* [agency] shall administer comprehensive rules governing driver education courses ~~developed through interagency cooperation between [adopted by mutual agreement among]~~ the *commission* [agency], the *state agency responsible for administering the vocational rehabilitation program* [Texas Rehabilitation Commission], and the *Department of Public Safety* [department].

Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. The *department* [agency] shall enter into a memorandum of understanding with the Texas Department of Insurance for the [interagency] development of a curriculum for driving safety courses.

SECTION 21. Sections 1001.106(b), (c), and (d), Education Code, are amended to read as follows:

(b) The *commission* [commissioner] by rule shall provide minimum standards of curriculum relating to operation of vehicles at railroad and highway grade crossings.

(c) *Subchapter F, Chapter 51, Occupations Code, and Section 51.353, Occupations*

Code, [Sections 1001.454, 1001.456, and 1001.553] do not apply to a violation of this section or a rule adopted under this section.

(d) *Section 51.352, Occupations Code, and Sections 1001.455(a)(6)[, 1001.501, 1001.551, 1001.552,] and 1001.554 of this code* do not apply to a violation of this section.

SECTION 22. Section 1001.107, Education Code, is amended to read as follows:

Sec. 1001.107. INFORMATION RELATING TO LITTER PREVENTION. (a) The *commission* [commissioner] by rule shall require that information relating to litter prevention be included in the curriculum of each driver education and driving safety course.

(b) In developing rules under this section, the *commission* [commissioner] shall consult the *Department of Public Safety* [department].

SECTION 23. Sections 1001.108(a) and (c), Education Code, are amended to read as follows:

(a) The *commission* [commissioner] by rule shall require that information relating to anatomical gifts be included in the curriculum of each driver education course and driving safety course.

(c) In developing rules under this section, the *commission* [commissioner] shall consult with [the department and] the [Texas] Department of State Health Services.

SECTION 24. Section 1001.110, Education Code, is amended to read as follows:

Sec. 1001.110. INFORMATION RELATING TO DRIVING DISTRACTIONS. (a) The *commission* [commissioner] by rule shall require that information relating to the effect of using a wireless communication device or engaging in other actions that may distract a driver on the safe or effective operation of a motor vehicle be included in the curriculum of each driver education course or driving safety course.

(b) In developing rules under this section, the *commission* [commissioner] shall consult with the *Department of Public Safety* [department].

SECTION 25. Section 1001.111(a), Education Code, is amended to read as follows:

(a) The *commission* [commissioner] by rule shall provide minimum standards of curriculum for and designate the educational materials to be used in a driving safety course designed for drivers younger than 25 years of age.

SECTION 26. Subchapter C, Chapter 1001, Education Code, is amended by adding Section 1001.112 to read as follows:

Sec. 1001.112. PARENT-TAUGHT DRIVER EDUCATION. (a) The commission by rule shall provide for approval of a driver education course conducted by the parent, step-parent, foster parent, legal guardian, grandparent, or step-grandparent of a person who is required to complete a driver education course to obtain a Class C license. The rules must provide that the student driver spend a minimum number of hours in classroom and behind-the-wheel instruction and that the person conducting the course:

(1) possess a valid license for the preceding three years that has not been suspended, revoked, or forfeited in the past three years for an offense that involves the operation of a motor vehicle;

(2) has not been convicted of:

(A) criminally negligent homicide; or

(B) driving while intoxicated;

(3) is not disabled because of mental illness; and

(4) does not have six or more points assigned to the person's driver's license under Subchapter B, Chapter 708, Transportation Code, at the time the person begins conducting the course.

(b) The department may approve a course described by Subsection (a) if the department determines that the course materials are at least equal to those required in a course approved by the department, and the department may not require that:

(1) the classroom instruction be provided in a room with particular characteristics or equipment; or

(2) the vehicle used for the behind-the-wheel instruction have equipment other than the equipment otherwise required by law for operation of the vehicle on a highway while the vehicle is not being used for driver training.

(c) The rules must provide a method by which:

(1) approval of a course is obtained;

(2) an applicant submits proof of completion of the course;

(3) approval for delivering course materials by an alternative method, including electronic means, is obtained;

(4) a provider of a course approved under this section may administer to an applicant the highway sign and traffic law parts of the examination as provided by Section 521.1655(a-1), Transportation Code, through electronic means; and

(5) an applicant submits proof of passage of an examination administered under Subdivision (4).

(d) Completion of a driver education course approved under this section has the same effect under this chapter as completion of a driver education course approved by the department.

SECTION 27. Section 1001.151, Education Code, is amended to read as follows:

Sec. 1001.151. APPLICATION, LICENSE, AND REGISTRATION FEES. (a) The commission by rule ~~[commissioner]~~ shall establish ~~[collect]~~ application, license, and registration fees. The fees must be in amounts sufficient to cover administrative costs and are nonrefundable. The department shall collect the application, license, and registration fees.

(b) The commission by rule shall establish a fee for:

(1) an initial driver education school license and ~~[is \$1,000 plus \$850]~~ for each branch location; [-]

(2) ~~[(c) The fee for]~~ an initial driving safety school license;

(3) ~~[is an appropriate amount established by the commissioner not to exceed \$200.]~~

~~[(d) The fee for] an initial course provider license [is an appropriate amount established by the commissioner not to exceed \$2,000], except that the executive director [agency] may waive the fee; [if revenue received from the course provider is sufficient to cover the cost of licensing the course provider.]~~

(4) the ~~[(e) The]~~ annual renewal ~~[fee]~~ for a course provider, driving safety school, driver education school, or branch location ~~[is an appropriate amount established by the commissioner not to exceed \$200]~~, except that the executive director ~~[agency]~~ may waive the fee if revenue generated by the issuance of course completion certificate numbers and driver education certificates is sufficient to cover the cost of administering this chapter and Article 45.0511, Code of Criminal Procedure; [-]

(5) ~~[(f) The fee for]~~ a change of address off:

~~[(1) a driver education school, [is \$180; and~~

~~[(2) a driving safety school, or course provider; [is \$50.]~~

(6) ~~[(g) The fee for]~~ a change of name of:

(A) ~~[(1) a driver education school or course provider or an owner of a driver education school or course provider [is \$100]; or [and]~~

(B) ~~[(2) a driving safety school or owner of a driving safety school; [is \$50.]~~

(7) ~~[(h) The application fee for]~~ each additional driver education or driving safety course at a driver training school; and ~~[is \$25.]~~

(8) an initial ~~[(i) The application fee for]~~

~~[(1) each director is \$30; and~~

~~[(2) each assistant director or administrative staff member is \$15.~~

~~[(j) Each] application for approval of a driving safety course that has not been evaluated by the department [commissioner must be accompanied by a nonrefundable fee of \$9,000].~~

(c) ~~[(k)]~~ An application for an *initial* ~~[original]~~ driver education or driving safety instructor license must be accompanied by a processing fee ~~[of \$50]~~ and an annual license fee ~~[of \$25]~~, except that the department ~~[commissioner]~~ may not collect the processing fee from an applicant for a driver education instructor license who is currently teaching a driver education course in a public school in this state.

(d) ~~[(h)]~~ The *commission* ~~[commissioner]~~ shall establish the amount of the fee for a duplicate license.

(e) ~~[(m)]~~ The *commission* ~~[commissioner]~~ may establish a fee for an application for approval to offer a driver education course by an alternative method of instruction under Section 1001.3541 ~~[in an amount the commissioner considers appropriate, not to exceed the amount sufficient to cover the costs of considering the application].~~

SECTION 28. Section 1001.202(b), Education Code, is amended to read as follows:

(b) A driving safety school may use multiple classroom locations to teach a driving safety course if each location:

- (1) is approved by the parent school and the department ~~[agency]~~;
- (2) has the same name as the parent school; and
- (3) has the same ownership as the parent school.

SECTION 29. Sections 1001.204, 1001.205, and 1001.206, Education Code, are amended to read as follows:

Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION SCHOOL LICENSE.

(a) The *commission by rule* ~~[commissioner]~~ shall establish the criteria ~~[approve an application]~~ for a driver education school license.

(b) *The department shall approve an application for a driver education school license if the application is submitted on a form approved by the executive director, includes the fee, and on inspection [if, on investigation] of the premises of the school, it is determined that the school:*

- (1) has courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the courses, curricula, and instruction are offered;
- (2) has adequate space, equipment, instructional material, and instructors to provide training of good quality in the classroom and behind the wheel;
- (3) has ~~[directors,]~~ instructors~~[-, and administrators]~~ who have adequate educational qualifications and experience;
- (4) provides to each student before enrollment:
 - (A) a copy of:
 - (i) the refund policy;
 - (ii) the schedule of tuition, fees, and other charges; and
 - (iii) the regulations relating to absence, grading policy, and rules of operation and conduct; and
 - (B) the department's name, mailing address, ~~[and]~~ telephone number, and Internet website address ~~[of the agency]~~ for the purpose of directing complaints to the department ~~[agency]~~;
- (5) maintains adequate records as prescribed by the department ~~[commissioner]~~ to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(6) on completion of training, issues each student a certificate indicating the course name and satisfactory completion;

(7) complies with all county, municipal, state, and federal regulations, including fire, building, and sanitation codes and assumed name registration;

(8) is financially sound and capable of fulfilling its commitments for training;

(9) has ~~[administrators, directors,]~~ owners[;] and instructors who are of good reputation and character;

(10) maintains and publishes as part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the school at any time before completion;

(11) does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the *department* ~~[commissioner]~~;

(12) does not use a name similar to the name of another existing school or tax-supported educational institution in this state, unless specifically approved in writing by the *executive director* ~~[commissioner]~~;

(13) submits to the *department* ~~[agency]~~ for approval the applicable course hour lengths and curriculum content for each course offered by the school;

(14) does not owe an administrative penalty *for a violation of* ~~[under]~~ this chapter; and

(15) meets any additional criteria required by the *department* ~~[agency]~~.

Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY SCHOOL LICENSE.

(a) The *commission by rule* ~~[commissioner]~~ shall establish the criteria ~~[approve an application]~~ for a driving safety school license.

(b) *The department shall approve an application for a driving safety school license if the application is submitted on a form approved by the executive director, includes the fee, and on inspection of the premises of the school, [if on investigation] the department [agency] determines that the school:*

(1) has driving safety courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the course, curricula, and instruction are developed by the course provider;

(2) has adequate space, equipment, instructional material, and instructors to provide training of good quality;

(3) has instructors ~~[and administrators]~~ who have adequate educational qualifications and experience;

(4) maintains adequate records as prescribed by the *department* ~~[commissioner]~~ to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(5) complies with all county, municipal, state, and federal laws, including fire, building, and sanitation codes and assumed name registration;

(6) has ~~[administrators,]~~ owners[;] and instructors who are of good reputation and character;

(7) does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the *department* ~~[commissioner]~~;

(8) does not use a name similar to the name of another existing school or tax-supported educational establishment in this state, unless specifically approved in writing by the *executive director* ~~[commissioner]~~;

(9) maintains and uses the approved contract and policies developed by the course provider;

(10) does not owe an administrative penalty *for a violation of* ~~[under]~~ this chapter;

(11) will not provide a driving safety course to a person for less than \$25; and

(12) meets additional criteria required by the *department* ~~[commissioner]~~.

Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE. (a) The *commission by rule* ~~[commissioner]~~ shall *establish criteria* ~~[approve an application]~~ for a course provider license.

(b) *The department shall approve an application for a course provider license if the application is submitted on a form approved by the executive director, includes the fee, and on inspection of the premises of the school* ~~[if on investigation]~~ the *department* ~~[agency]~~ determines that:

(1) the course provider has an approved course that at least one licensed driving safety school is willing to offer;

(2) the course provider has adequate educational qualifications and experience;

(3) the course provider will:

(A) develop and provide to each driving safety school that offers the approved course a copy of:

(i) the refund policy; and

(ii) the regulations relating to absence, grading policy, and rules of operation and conduct; and

(B) provide to the driving safety school the *department's* name, mailing address, ~~[and]~~ telephone number, and *Internet website address* ~~[of the agency]~~ for the purpose of directing complaints to the *department* ~~[agency]~~;

(4) a copy of the information provided to each driving safety school under Subdivision (3) will be provided to each student by the school before enrollment;

(5) not later than the 15th working day after the date a ~~[the]~~ person successfully completes the course, the course provider will *issue and deliver to the person by United States mail or commercial delivery* ~~[mail]~~ a uniform certificate of course completion ~~[to the person]~~ indicating the course name and successful completion;

(6) the course provider maintains adequate records as prescribed by the *department* ~~[commissioner]~~ to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(7) the course provider complies with all county, municipal, state, and federal laws, including assumed name registration and other applicable requirements;

(8) the course provider is financially sound and capable of fulfilling its commitments for training;

(9) the course provider is of good reputation and character;

(10) the course provider maintains and publishes as a part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the school at any time before completion;

(11) the course provider does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the *department* ~~[commissioner]~~;

(12) the course provider does not use a name similar to the name of another existing school or tax-supported educational institution in this state, unless specifically approved in writing by the *executive director* ~~[commissioner]~~;

(13) the course provider does not owe an administrative penalty *for a violation of* ~~[under]~~ this chapter; and

(14) the course provider meets additional criteria required by the *department* ~~[commissioner]~~.

SECTION 30. Sections 1001.207(a) and (b), Education Code, are amended to read as follows:

(a) Before a driver education school may be issued a license, the school must file a corporate surety bond with the *department* ~~[commissioner]~~ in the amount of:

- (1) \$10,000 for the primary location of the school; and
- (2) \$5,000 for each branch location.

(b) A bond issued under Subsection (a) must be:

- (1) issued in a form approved by the *department* ~~[commissioner]~~;
- (2) issued by a company authorized to do business in this state;
- (3) payable to the *department* ~~[state]~~ to be used only for payment of a refund due to a student or potential student;
- (4) conditioned on the compliance of the school and its officers, agents, and employees with this chapter and rules adopted under this chapter; and
- (5) issued for a period corresponding to the term of the license.

SECTION 31. Section 1001.209(b), Education Code, is amended to read as follows:

(b) A bond issued under Subsection (a) must be:

- (1) issued by a company authorized to do business in this state;
- (2) payable to the *department* ~~[state]~~ to be used:
 - (A) for payment of a refund due a student of the course provider's approved course;
 - (B) to cover the payment of unpaid fees or penalties assessed by the *executive director or the commission* ~~[agency]~~; or
 - (C) to recover any cost associated with providing course completion certificate numbers, including the cancellation of certificate numbers;
- (3) conditioned on the compliance of the course provider and its officers, agents, and employees with this chapter and rules adopted under this chapter; and
- (4) issued for a period corresponding to the term of the license.

SECTION 32. Section 1001.210, Education Code, is amended to read as follows:

Sec. 1001.210. ALTERNATE FORM OF SECURITY. Instead of the bond required by Section 1001.207 or 1001.209, a driver education school or course provider may provide another form of security that is:

- (1) ~~[(A)]~~ approved by the *department* ~~[commissioner]~~; and
- (2) ~~[(B)]~~ in the amount required for a comparable bond under Section 1001.207 or 1001.209.

SECTION 33. Sections 1001.211(a) and (b), Education Code, are amended to read as follows:

(a) The *executive director* ~~[commissioner]~~ shall issue a license to an applicant for a license under this subchapter if:

- (1) the application is submitted in accordance with this subchapter; and
- (2) the applicant meets the requirements of this chapter.

(b) A license must be in a form determined by the *department* ~~[commissioner]~~ and must show in a clear and conspicuous manner:

- (1) the date of issuance, effective date, and term of the license;
- (2) the name and address of the driver training school or course provider;
- (3) the authority for and conditions of approval; and
- (4) ~~[the commissioner's signature; and~~
- ~~[(5)]~~ any other fair and reasonable representation that is consistent with this chapter and that the *department* ~~[commissioner]~~ considers necessary.

SECTION 34. Sections 1001.213(c) and (d), Education Code, are amended to read as follows:

(c) *The commission by rule may establish* ~~[Instead of the]~~ fees ~~[required by Section~~

~~1001.151, the fee~~ for a new driver education school or course provider license under Subsection (b) ~~and [is \$500, plus \$200]~~ for each branch location[;] if:

(1) the new owner is substantially similar to the previous owner; and

(2) there is no significant change in the management or control of the driver education school or course provider.

(d) The *department* ~~may inspect~~ ~~[commissioner is not required to reinspect]~~ a school or a branch location after a change of ownership.

SECTION 35. Section 1001.214, Education Code, is amended to read as follows:

Sec. 1001.214. DUPLICATE LICENSE. A duplicate license may be issued to a driver training school or course provider if:

(1) the original license is lost or destroyed; and

(2) an affidavit of that fact is filed with the *department* ~~[agency]~~.

SECTION 36. Section 1001.251, Education Code, is amended to read as follows:

Sec. 1001.251. LICENSE REQUIRED FOR INSTRUCTOR. (a) A person may not teach or provide driver education, either as an individual or in a driver education school, or conduct any phase of driver education, unless the person holds a driver education instructor license issued by the *executive director* ~~[agency]~~.

(b) A person may not teach or provide driving safety training, either as an individual or in a driving safety school, or conduct any phase of driving safety education, unless the person holds a driving safety instructor license issued by the *executive director* ~~[agency]~~. This subsection does not apply to an instructor of a driving safety course that does not provide a uniform certificate of course completion to its graduates.

SECTION 37. Sections 1001.2511(b), (c), (d), (e), and (f), Education Code, are amended to read as follows:

(b) The *department* ~~[agency]~~ shall review the national criminal history record information of a person who holds a license described by Subsection (a).

(c) The *executive director* ~~[agency]~~ shall place a license described by Subsection (a) on inactive status for the license holder's failure to comply with a deadline for submitting information required under this section.

(d) The *department* ~~[agency]~~ may allow a person who is applying for a license described by Subsection (a) and who currently resides in another state to submit the person's fingerprints and other required information in a manner that does not impose an undue hardship on the person.

(e) The *commission* ~~[commissioner]~~ may adopt rules to administer this section, including rules establishing:

(1) deadlines for a person to submit fingerprints and photographs in compliance with this section;

(2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of or refusal to issue a license described by Subsection (a); and

(3) notification to a driver education school of relevant information obtained by the *department* ~~[agency]~~ under this section.

(f) The *department* ~~[agency]~~ is not civilly or criminally liable for an action taken in compliance with this section.

SECTION 38. Section 1001.2512, Education Code, is amended to read as follows:

Sec. 1001.2512. FEES FOR CRIMINAL HISTORY RECORD INFORMATION REVIEW. The *commission* ~~[commissioner]~~ by rule shall require a person submitting to a national criminal history record information review under Section 1001.2511 or the driver education school employing the person, as determined by the *department* ~~[agency]~~, to pay a fee for the review in an amount not to exceed the amount of any fee imposed on an application for certification under Subchapter B, Chapter 21, for a national criminal history record information review under Section 22.0837.

SECTION 39. Sections 1001.2514(a), (b), and (d), Education Code, are amended to read as follows:

(a) A driver education school shall discharge or refuse to hire as an instructor an employee or applicant for employment if the *department* ~~[agency]~~ obtains information through a criminal history record information review that:

(1) the employee or applicant has been convicted of:

(A) a felony offense under Title 5, Penal Code;

(B) an offense on conviction of which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or

(C) an offense under the laws of another state or federal law that is equivalent to an offense under Paragraph (A) or (B); and

(2) at the time the offense occurred, the victim of the offense described by Subdivision (1) was under 18 years of age or was enrolled in a public school.

(b) The *executive director* ~~[agency]~~ shall suspend or revoke a license described by Section 1001.2511(a) held by a person under this subchapter and shall refuse to issue or renew a license described by Section 1001.2511(a) to a person under this subchapter if the person has been convicted of an offense described by Subsection (a) of this section.

(d) A driver education school may discharge an employee who serves as an instructor if the school obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not disclose to the school or the *department* ~~[agency]~~. An employee discharged under this subsection is considered to have been discharged for misconduct for purposes of Section 207.044, Labor Code.

SECTION 40. Section 1001.253, Education Code, is amended by amending Subsections (a), (b), (c), (d), (e), and (f) and adding Subsection (h) to read as follows:

(a) The *department* ~~[commissioner]~~ shall establish standards for certification of ~~[professional and paraprofessional]~~ personnel who conduct driver education programs in driver education schools.

(b) A driver education instructor license authorizing a person to teach or provide behind-the-wheel training may not be issued unless the person has successfully completed six semester hours of driver and traffic safety education or a program of study in driver education approved by the *department* ~~[commissioner]~~ from an approved driver education school.

(c) A person who holds a driver education instructor license authorizing behind-the-wheel training may not be approved to assist a classroom instructor in the classroom phase of driver education unless the person has successfully completed the three additional semester hours of training required for a classroom instructor or a program of study in driver education approved by the *department* ~~[commissioner]~~.

(d) Except as provided by Subsection (g) or Section 1001.254, a driver education instructor license authorizing a person to teach or provide classroom training may not be issued unless the person:

(1) has completed nine semester hours of driver and traffic safety education or a program of study in driver education approved by the *department* ~~[commissioner]~~ from an approved driver education school; and

(2) holds a teaching certificate and any additional certification required to teach driver education.

(e) A driver education instructor who has completed the educational requirements prescribed by Subsection (d)(1) may not teach instructor training classes unless the instructor has successfully completed a supervising instructor development program consisting of at least six additional semester hours or a program of study in driver education approved by the *department* ~~[commissioner]~~ that includes administering driver education programs and supervising and administering traffic safety education.

(f) A driver education school may submit for *department* ~~[agency]~~ approval a curricu-

lum for an instructor development program for driver education instructors. The program must:

(1) be taught by a person who has completed a supervising instructor development program under Subsection (e); and

(2) satisfy the requirements of this section for the particular program or type of training to be provided.

(h) The classroom portion of the instructor development program for driver education instructors may be conducted online.

SECTION 41. Section 1001.254(a), Education Code, is amended to read as follows:

(a) A temporary driver education instructor license may be issued authorizing a person to teach or provide classroom driver education training if the person:

(1) has completed the educational requirements prescribed by Section 1001.253(d)(1);

(2) holds a Texas teaching certificate with an effective date before February 1, 1986;

(3) meets all license requirements, other than successful completion of the examination required under rules adopted by the State Board for Educator Certification to revalidate the teaching certificate; and

(4) demonstrates, in a manner prescribed by the *department* ~~[commissioner]~~, the intention to comply with the examination requirement at the first available opportunity.

SECTION 42. Sections 1001.255(a), (b), and (c), Education Code, are amended to read as follows:

(a) The *department* ~~[agency]~~ shall regulate as a driver education school a driver education instructor who:

(1) teaches driver education courses in a county having a population of 50,000 or less; and

(2) does not teach more than 200 students annually.

(b) An instructor described by Subsection (a) must submit to the *department* ~~[agency]~~ an application for an initial or renewal driver education school license, together with all required documentation and information.

(c) The *executive director* ~~[commissioner]~~ may waive initial or renewal driver education school license fees ~~[or the fee for a director or administrative staff member]~~.

SECTION 43. Section 1001.256, Education Code, is amended to read as follows:

Sec. 1001.256. DUPLICATE LICENSE. A duplicate license may be issued to a driver education instructor or driving safety instructor if:

(1) the original license is lost or destroyed; and

(2) an affidavit of that fact is filed with the *department* ~~[agency]~~.

SECTION 44. Sections 1001.303(c) and (d), Education Code, are amended to read as follows:

(c) The *department* ~~[commissioner]~~ may *inspect* ~~[reexamine]~~ a driver education school's premises.

(d) The *department* ~~[commissioner]~~ shall renew or cancel the driver education school, driving safety school, or course provider license.

SECTION 45. Sections 1001.304(b) and (c), Education Code, are amended to read as follows:

(b) The continuing education must be:

(1) in courses approved by the *department* ~~[commissioner]~~; and

(2) for the number of hours established by the *commission* ~~[commissioner]~~.

(c) An applicant who does not comply with Subsection (a) must pay a late renewal fee in the amount established by commission rule ~~[of \$25]~~.

SECTION 46. Sections 1001.351(a) and (b), Education Code, are amended to read as follows:

(a) Not later than the 15th working day after the course completion date, a course provider or a person at the course provider's facilities shall issue *and deliver by United States mail or commercial delivery* a uniform certificate of course completion ~~[by mail or commercial delivery]~~ to a person who successfully completes an approved driving safety course.

(b) A course provider shall electronically submit to the *department* ~~[agency]~~ in the manner established by the *department* ~~[agency]~~ data identified by the *department* ~~[agency]~~ relating to uniform certificates of course completion issued by the course provider.

SECTION 47. Sections 1001.354(a) and (b), Education Code, are amended to read as follows:

(a) A driving safety course may be taught at a driving safety school if the school is approved by the *department* ~~[agency]~~.

(b) A driving safety school may teach an approved driving safety course by an alternative method that does not require students to be present in a classroom if the *department* ~~[commissioner]~~ approves the alternative method. The *department* ~~[commissioner]~~ may approve the alternative method if:

(1) the *department* ~~[commissioner]~~ determines that the approved driving safety course can be taught by the alternative method; and

(2) the alternative method includes testing and security measures that are at least as secure as the measures available in the usual classroom setting.

SECTION 48. Section 1001.3541, Education Code, is amended to read as follows:

Sec. 1001.3541. ALTERNATIVE METHOD OF INSTRUCTION FOR DRIVER EDUCATION COURSE. (a) A driver education school may teach all or part of the classroom portion of an approved driver education course by an alternative method of instruction that does not require students to be present in a classroom if the *department* ~~[commissioner]~~ approves the alternative method.

(b) The *department* ~~[commissioner]~~ may approve the alternative method only if:

(1) the alternative method includes testing and security measures that the *department* ~~[commissioner]~~ determines are at least as secure as the measures available in the usual classroom setting; and

(2) the course, with the use of the alternative method, satisfies any other requirement applicable to a course in which the classroom portion is taught to students in the usual classroom setting.

SECTION 49. Sections 1001.404(b) and (c), Education Code, are amended to read as follows:

(b) The *department* ~~[commissioner]~~ shall establish annually the rate of interest for a refund at a rate sufficient to provide a deterrent to the retention of student money.

(c) The *department* ~~[agency]~~ may except a driver education school or course provider from the payment of interest if the school or course provider makes a good-faith effort to refund tuition, fees, and other charges but is unable to locate the student to whom the refund is owed. On request of the *department* ~~[agency]~~, the school or course provider shall document the effort to locate a student.

SECTION 50. Sections 1001.451 and 1001.452, Education Code, are amended to read as follows:

Sec. 1001.451. PROHIBITED PRACTICES. A person may not:

(1) use advertising *that is false, misleading, or deceptive* ~~[designed to mislead or deceive a prospective student];~~

(2) fail to notify the *department* ~~[commissioner]~~ of the discontinuance of the opera-

tion of a driver training school before the 15th ~~[fourth]~~ working day after the date of cessation of classes and make available accurate records as required by this chapter;

(3) issue, sell, trade, or transfer:

(A) a uniform certificate of course completion or driver education certificate to a person or driver training school not authorized to possess the certificate;

(B) a uniform certificate of course completion to a person who has not successfully completed an approved, six-hour driving safety course; or

(C) a driver education certificate to a person who has not successfully completed a *department-approved* ~~[commissioner-approved]~~ driver education course;

(4) negotiate a promissory instrument received as payment of tuition or another charge before the student completes 75 percent of the course, except that before that time the instrument may be assigned to a purchaser who becomes subject to any defense available against the school named as payee; or

(5) conduct any part of an approved driver education course or driving safety course without having an instructor physically present in appropriate proximity to the student for the type of instruction being given.

Sec. 1001.452. COURSE OF INSTRUCTION. A driver training school may not ~~[maintain, advertise, solicit for, or]~~ conduct a course of instruction in this state before the ~~[later of:~~

~~[(1) the 30th day after the date the school applies for a driver training school license; or~~

~~[(2) the] date the school receives a driver training school license from the department [commissioner].~~

SECTION 51. Sections 1001.453(b), (d), and (e), Education Code, are amended to read as follows:

(b) *The department may revoke the license of a [A] course provider [loses its course provider status] if the course provider or the course provider's agent, employee, or representative violates this section.*

(d) *Subchapter F, Chapter 51, Occupations Code, and Section 51.353, Occupations Code, [Sections 1001.454, 1001.456(a), and 1001.553] do not apply to a violation of this section or a rule adopted under this section.*

(e) *Section 51.352, Occupations Code, and Sections 1001.455(a)(6)[, 1001.501, 1001.551, 1001.552,] and 1001.554 of this code do not apply to a violation of this section.*

SECTION 52. Section 1001.455(a), Education Code, is amended to read as follows:

(a) *The executive director or the commission [agency] may deny an application for an instructor license or suspend or revoke the license of an instructor if the instructor:*

(1) fails to meet a requirement for issuance of or holding a license under this chapter;

(2) permits ~~[fraud]~~ or engages in *misrepresentation, fraud, or deceit in applying for or obtaining a certificate, license, or permit [fraudulent practices relating to the application];*

(3) induces ~~[or countenances]~~ fraud or fraudulent practices on the part of an applicant for a driver's license or permit;

(4) permits or engages in any other fraudulent practice in an action between the applicant or license holder and the public;

(5) fails to comply with *commission [agency] rules relating to driver instruction; or*

(6) fails to comply with this chapter.

SECTION 53. Section 1001.555(b), Education Code, is amended to read as follows:

(b) *The department may [agency shall] contract with the Department of Public Safety [department] to provide undercover and investigative assistance in the enforcement of Subsection (a).*

SECTION 54. Article 45.0511(b), Code of Criminal Procedure, is amended to read as follows:

(b) The judge shall require the defendant to successfully complete a driving safety course approved by the Texas *Department of Licensing and Regulation* [~~Education Agency~~] or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662, Transportation Code, if:

(1) the defendant elects driving safety course or motorcycle operator training course dismissal under this article;

(2) the defendant:

(A) has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the 12 months preceding the date of the offense; or

(B) does not have a valid Texas driver's license or permit, is a member, or the spouse or dependent child of a member, of the United States military forces serving on active duty, and has not completed a driving safety course or motorcycle operator training course, as appropriate, in another state within the 12 months preceding the date of the offense;

(3) the defendant enters a plea under Article 45.021 in person or in writing of no contest or guilty on or before the answer date on the notice to appear and:

(A) presents in person or by counsel to the court a request to take a course; or

(B) sends to the court by certified mail, return receipt requested, postmarked on or before the answer date on the notice to appear, a written request to take a course;

(4) the defendant:

(A) has a valid Texas driver's license or permit; or

(B) is a member, or the spouse or dependent child of a member, of the United States military forces serving on active duty;

(5) the defendant is charged with an offense to which this article applies, other than speeding at a speed of:

(A) 95 miles per hour or more; or

(B) 25 miles per hour or more over the posted speed limit; and

(6) the defendant provides evidence of financial responsibility as required by Chapter 601, Transportation Code.

SECTION 55. Section 501.004(b), Transportation Code, is amended to read as follows:

(b) This chapter does not apply to:

(1) a trailer or semitrailer used only for the transportation of farm products if the products are not transported for hire;

(2) the filing or recording of a lien that is created only on an automobile accessory, including a tire, radio, or heater;

(3) a motor vehicle while it is owned or operated by the United States; or

(4) a new motor vehicle on loan to a political subdivision of the state for use only in a driver education course conducted [~~approved~~] by an entity exempt from licensure under Section 1001.002, Education Code [~~the Central Education Agency~~].

SECTION 56. Section 521.1601, Transportation Code, as added by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

Sec. 521.1601. DRIVER EDUCATION REQUIRED. The department may not issue a driver's license to a person who is younger than 21 years of age unless the person submits to the department a driver education certificate issued under Chapter 1001, Education Code, that states that the person has completed and passed:

(1) a driver education and traffic safety course *conducted* ~~[approved]~~ by *an entity exempt from licensure under Section 1001.002* ~~[the Texas Education Agency under Section 29.902]~~, Education Code, or a driver education course approved by *the Texas Department of Licensing and Regulation* ~~[that agency]~~ under *Chapter 1001, Education Code* ~~[Section 1001.101 of that code or approved by the department under Section 521.205]~~; or

(2) if the person is 18 years of age or older, a driver education course approved by the *Texas Department of Licensing and Regulation* ~~[Education Agency]~~ under *Section 1001.101 or 1001.1015*, Education Code.

SECTION 57. Section 521.1601, Transportation Code, as added by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

Sec. 521.1601. DRIVER EDUCATION REQUIRED. The department may not issue a driver's license to a person who is younger than 25 years of age unless the person submits to the department a driver education certificate issued under Chapter 1001, Education Code, that states that the person has completed and passed:

(1) a driver education and traffic safety course *conducted* ~~[approved]~~ by *an entity exempt from licensure under Section 1001.002* ~~[the Texas Education Agency under Section 29.902]~~, Education Code, or a driver education course approved by *the Texas Department of Licensing and Regulation* ~~[that agency]~~ under *Chapter 1001, Education Code* ~~[Section 1001.101(a)(1) of that code or approved by the department under Section 521.205]~~; or

(2) if the person is 18 years of age or older, a driver education course approved by the *Texas Department of Licensing and Regulation* ~~[Education Agency]~~ under *Section 1001.101 or 1001.1015* ~~[Section 1001.101(a)(1) or (2)]~~, Education Code.

SECTION 58. Section 521.1655(a), Transportation Code, is amended to read as follows:

(a) A driver education school licensed under *Chapter 1001, Education Code*, ~~[the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)]~~ may administer to a student of that school the vision, highway sign, and traffic law parts of the examination required by Section 521.161.

SECTION 59. Section 521.167, Transportation Code, as added by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

Sec. 521.167. WAIVER OF CERTAIN EDUCATION AND EXAMINATION REQUIREMENTS. A person who has completed and passed a driver education course approved by the *Texas Department of Licensing and Regulation* ~~[Education Agency]~~ under *Section 1001.1015*, Education Code, is not required to take the highway sign and traffic law parts of the examination required under Section 521.161 if those parts have been successfully completed as determined by a licensed driver education instructor.

SECTION 60. Section 521.203, Transportation Code, is amended to read as follows:

Sec. 521.203. RESTRICTIONS ON CLASS A AND B LICENSES. The department may not issue a Class A or Class B driver's license to a person who:

(1) is under 17 years of age;

(2) is under 18 years of age unless the person has completed a driver training course approved by the *Texas Department of Licensing and Regulation* ~~[Central Education Agency]~~; or

(3) has not provided the department with an affidavit, on a form prescribed by the department, that states that no vehicle that the person will drive that requires a Class A or Class B license is a commercial motor vehicle as defined by Section 522.003.

SECTION 61. Section 521.204(a), Transportation Code, is amended to read as follows:

(a) The department may issue a Class C driver's license to an applicant under 18 years of age only if the applicant:

- (1) is 16 years of age or older;
- (2) has submitted to the department a driver education certificate issued under Section 1001.055, Education Code, that states that the person has completed and passed a driver education course approved by the ~~[department under Section 521.205 or by the]~~ Texas Department of Licensing and Regulation ~~[Education Agency]~~;
- (3) has obtained a high school diploma or its equivalent or is a student:
 - (A) enrolled in a public school, home school, or private school who attended school for at least 80 days in the fall or spring semester preceding the date of the driver's license application; or
 - (B) who has been enrolled for at least 45 days, and is enrolled as of the date of the application, in a program to prepare persons to pass the high school equivalency exam;
- (4) has submitted to the department written parental or guardian permission:
 - (A) for the department to access the applicant's school enrollment records maintained by the Texas Education Agency; and
 - (B) for a school administrator or law enforcement officer to notify the department in the event that the person has been absent from school for at least 20 consecutive instructional days; and
- (5) has passed the examination required by Section 521.161.

SECTION 62. Sections 521.206(b) and (c), Transportation Code, are amended to read as follows:

(b) The department shall collect data regarding the collision rate of students taught by course instructors approved under *Section 1001.112, Education Code* ~~[Section 521.205]~~. The collision rate is computed by determining the number of students who completed a course approved under *Section 1001.112, Education Code*, ~~[Section 521.205]~~ during a state fiscal year, dividing that number by the number of collisions that involved students who completed such a course and that occurred in the 12-month period following their licensure, and expressing the quotient as a percentage.

(c) Not later than October 1 of each year, the department shall issue a publication listing the collision rate for students taught by each driver education entity and the collision rate for students taught by a course instructor approved under *Section 1001.112, Education Code* ~~[Section 521.205]~~, noting the severity of collisions involving students of each entity and each type of course.

SECTION 63. Sections 521.222(a) and (c), Transportation Code, are amended to read as follows:

(a) The department ~~[or a driver education school licensed under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)]~~ may issue a learner license ~~[an instruction permit]~~, including a Class A or Class B driver's learner license ~~[instruction permit]~~, to a person who:

- (1) is 15 years of age or older but under 18 years of age;
- (2) has satisfactorily completed and passed the classroom phase of an approved driver education course, which may be a course approved under Section 1001.112, Education Code ~~[521.205]~~;
- (3) meets the requirements imposed under Section 521.204(a)(3) ~~[521.204(3)]~~; and
- (4) has passed each examination required under Section 521.161 other than the driving test.

(c) ~~The department [A driver education school]~~ may issue a learner license ~~[an instruction permit]~~ to a person 18 years of age or older who has successfully passed:

- (1) a six-hour adult classroom driver education course approved by the Texas Department of Licensing and Regulation ~~[Education Agency]~~; and
- (2) each part of the driver's examination required by Section 521.161 other than the driving test.

SECTION 64. Section 521.223(b), Transportation Code, is amended to read as follows:

(b) An applicant for a license under Subsection (a) must be 15 years of age or older and must:

- (1) have passed a driver education course approved by the department, which may be a course approved under *Chapter 1001, Education Code* ~~[Section 521.205]~~; and
- (2) pass the examination required by Section 521.161.

SECTION 65. Sections 543.111 and 543.112, Transportation Code, are amended to read as follows:

Sec. 543.111. REGULATION BY CERTAIN STATE AGENCIES. (a) The *Texas Commission of Licensing and Regulation* ~~[State Board of Education]~~ shall enter into a memorandum of understanding with the Texas Department of Insurance for the interagency development of a curriculum for driving safety courses.

(b) The *Texas Commission of Licensing and Regulation* and *Texas Department of Licensing and Regulation*, as appropriate, ~~[Education Agency]~~ shall:

- (1) adopt and administer comprehensive rules governing driving safety courses; and
- (2) investigate options to develop and implement procedures to electronically transmit information pertaining to driving safety courses to municipal and justice courts.

Sec. 543.112. STANDARDS FOR UNIFORM CERTIFICATE OF COURSE COMPLETION. (a) The *Texas Commission of Licensing and Regulation* ~~[Education Agency]~~ by rule shall provide for the design and distribution of uniform certificates of course completion so as to prevent to the greatest extent possible the unauthorized production or misuse of the certificates.

(b) The uniform certificate of course completion must include an identifying number by which the *Texas Department of Licensing and Regulation* ~~[Education Agency]~~, the court, or the department may verify its authenticity with the course provider and must be in a form adopted by the *Texas Department of Licensing and Regulation* ~~[Education Agency]~~.

(c) ~~[The Texas Education Agency shall issue duplicate uniform certificates of course completion.]~~ The *Texas Commission of Licensing and Regulation* ~~[State Board of Education]~~ by rule shall determine the amount of the fee to be charged for issuance of a duplicate certificate by persons who are licensed providers of courses approved under *Chapter 1001, Education Code*.

(d) A driving safety course provider shall electronically submit data identified by the *Texas Department of Licensing and Regulation* ~~[Education Agency]~~ pertaining to issued uniform certificates of course completion to the *Texas Department of Licensing and Regulation* ~~[agency]~~ as directed by the *Texas Department of Licensing and Regulation* ~~[agency]~~.

SECTION 66. Sections 543.113(a) and (c), Transportation Code, are amended to read as follows:

(a) The *Texas Department of Licensing and Regulation* ~~[Education Agency]~~ shall *issue course completion certificate numbers* ~~[print the uniform certificates]~~ and supply them to persons who are licensed providers of courses approved under *Chapter 1001, Education Code* ~~[the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)]~~. The *Texas Commission of Licensing and Regulation* by rule shall *establish* ~~[Agency may charge]~~ a fee for each certificate. ~~[The fee may not exceed \$4.]~~

(c) Money collected by the *Texas Department of Licensing and Regulation* ~~[Education Agency]~~ under this section may be used ~~[only]~~ to pay monetary awards for information relating to abuse of uniform certificates that leads to the conviction or removal of an approval, license, or authorization.

SECTION 67. Section 543.114(a), Transportation Code, is amended to read as follows:

(a) A person may not distribute written information to advertise a provider of a driving safety course within 500 feet of a court having jurisdiction over an offense to which

this subchapter applies. A violation of this section by a provider or a provider's agent, employee, or representative results in loss of the provider's status as a provider of a course approved under *Chapter 1001, Education Code* [~~the Texas Driver and Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~].

SECTION 68. Section 545.412(g), Transportation Code, is amended to read as follows:

(g) A judge, acting under Article 45.0511, Code of Criminal Procedure, who elects to defer further proceedings and to place a defendant accused of a violation of this section on probation under that article, in lieu of requiring the defendant to complete a driving safety course approved by the Texas *Department of Licensing and Regulation* [~~Education Agency~~], shall require the defendant to attend and present proof that the defendant has successfully completed a specialized driving safety course approved by the Texas *Department of Licensing and Regulation* [~~Education Agency~~] under *Chapter 1001, Education Code*, [~~the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~] that includes four hours of instruction that encourages the use of child passenger safety seat systems and the wearing of seat belts and emphasizes:

- (1) the effectiveness of child passenger safety seat systems and seat belts in reducing the harm to children being transported in motor vehicles; and
- (2) the requirements of this section and the penalty for noncompliance.

SECTION 69. Section 545.413(i), Transportation Code, is amended to read as follows:

(i) A judge, acting under Article 45.0511, Code of Criminal Procedure, who elects to defer further proceedings and to place a defendant accused of a violation of Subsection (b) on probation under that article, in lieu of requiring the defendant to complete a driving safety course approved by the Texas *Department of Licensing and Regulation* [~~Education Agency~~], shall require the defendant to attend and present proof that the defendant has successfully completed a specialized driving safety course approved by the Texas *Department of Licensing and Regulation* [~~Education Agency~~] under *Chapter 1001, Education Code*, [~~the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~] that includes four hours of instruction that encourages the use of child passenger safety seat systems and the wearing of seat belts and emphasizes:

- (1) the effectiveness of child passenger safety seat systems and seat belts in reducing the harm to children being transported in motor vehicles; and
- (2) the requirements of this section and the penalty for noncompliance.

SECTION 70. (a) The following provisions of the Education Code are repealed:

- (1) Section 1001.001(1);
- (2) Sections 1001.054(a) and (b);
- (3) Sections 1001.152 and 1001.153;
- (4) Section 1001.203;
- (5) Section 1001.212;
- (6) Section 1001.252;
- (7) Section 1001.257;
- (8) Sections 1001.303(a) and (b);
- (9) Section 1001.454;
- (10) Section 1001.455(b);
- (11) Sections 1001.456, 1001.457, 1001.458, and 1001.459;
- (12) Sections 1001.460 and 1001.461;
- (13) Sections 1001.501, 1001.502, and 1001.503; and
- (14) Sections 1001.551, 1001.552, and 1001.553.

(b) Section 521.167, Transportation Code, as added by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009, and Section 521.205, Transportation Code, are repealed.

SECTION 71. The change in law made by this Act applies only to the imposition of an administrative penalty for a violation that occurs on or after the effective date of this Act. The imposition of an administrative penalty for a violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and that law is continued in effect for that purpose.

SECTION 72. (a) In this section, “former governing bodies” means the Texas Education Agency and the Department of Public Safety, relating to the oversight of Chapter 1001, Education Code, and Section 521.205, Transportation Code, respectively.

(b) On September 1, 2015:

(1) all functions and activities relating to Chapter 1001, Education Code, performed by the former governing bodies immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) all rules, policies, procedures, decisions, and forms adopted by the former governing bodies relating to Chapter 1001, Education Code, or Section 521.205, Transportation Code, are continued in effect as rules, policies, procedures, decisions, and forms of the Texas Commission of Licensing and Regulation or the Texas Department of Licensing and Regulation, as applicable, and remain in effect until amended or replaced by that commission or department;

(3) a complaint, investigation, or other proceeding before the former governing bodies that is related to Chapter 1001, Education Code, or Section 521.205, Transportation Code, is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the former governing bodies in an action or proceeding to which one of the former governing bodies is a party;

(4) all money, contracts, leases, property, and obligations of the former governing bodies relating to Chapter 1001, Education Code, or Section 521.205, Transportation Code, are transferred to the Texas Department of Licensing and Regulation;

(5) all property in the custody of the former governing bodies related to Chapter 1001, Education Code, or Section 521.205, Transportation Code, is transferred to the Texas Department of Licensing and Regulation; and

(6) the unexpended and unobligated balance of any money appropriated by the legislature for the former governing bodies related to Chapter 1001, Education Code, or Section 521.205, Transportation Code, is transferred to the Texas Department of Licensing and Regulation.

(c) As soon as practicable after the effective date of this Act, the Texas Education Agency may agree with the Texas Department of Licensing and Regulation to transfer any property of the Texas Education Agency to the Texas Department of Licensing and Regulation to implement the transfer required by this Act.

(d) Unless the context indicates otherwise, a reference to the former governing bodies in a law or administrative rule that relates to Chapter 1001, Education Code, or Section 521.205, Transportation Code, means the Texas Commission of Licensing and Regulation or the Texas Department of Licensing and Regulation, as applicable.

(e) A license, permit, certification, or registration issued by the former governing bodies is continued in effect as a license, permit, certification, or registration of the Texas Department of Licensing and Regulation.

(f) On September 1, 2015, all full-time equivalent employee positions at the former governing bodies and Education Service Center Region 13 that primarily concern the administration, enforcement, or other direct or indirect support of Chapter 1001, Education Code, or Section 521.205, Transportation Code, become positions at the Texas Department of Licensing and Regulation. When filling the positions, the Texas Department of Licensing and Regulation shall give first consideration to an applicant who, as of August 31, 2015, was an employee at the former governing bodies or Education Service Center Region 13 primarily involved in administering or enforcing Chapter 1001, Education Code, or Section 521.205, Transportation Code.

(g) As soon as practicable after the effective date of this Act, the presiding officer of the Texas Commission of Licensing and Regulation, with the commission's approval, shall make the initial appointments to the advisory committee under Section 1001.058, Education Code, as added by this Act.

SECTION 73. The changes in law made by this Act to Chapter 1001, Education Code, apply only to a fee charged on or after September 1, 2015. A fee charged before September 1, 2015, is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

SECTION 74. To the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 75. This Act takes effect September 1, 2015.

Passed by the House on April 30, 2015: Yeas 134, Nays 1, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 1786 on May 27, 2015: Yeas 142, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 25, 2015: Yeas 31, Nays 0.

Approved June 19, 2015.

Effective September 1, 2015.

REQUIREMENTS FOR AND CONFIDENTIALITY OF STATE AGENCY CONTINUITY OF OPERATIONS PLANS

CHAPTER 1045

H.B. No. 1832

AN ACT

relating to the requirements for and confidentiality of state agency continuity of operations plans.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 412.011(f) and (g), Labor Code, are amended to read as follows:

(f) The office shall work with each state agency to develop an agency-level ~~[business]~~ continuity of operations plan under Section 412.054.

(g) The office shall make available to each agency subject to Section 412.054 guidelines and models for each element listed in Section 412.054. The office shall assist the agency as necessary to ensure that:

(1) agency staff understands each element of the ~~[business]~~ continuity of operations plan developed under Section 412.054; and

(2) each agency *provides training and conducts testing and exercises that prepare the agency for implementing* ~~[practices implementation of]~~ the plan.

SECTION 2. Section 412.0128, Labor Code, is amended to read as follows:

Sec. 412.0128. CONFIDENTIALITY OF INFORMATION. (a) Information in or derived from a workers' compensation claim file regarding an employee, and information in or derived from a risk management review related to facility security or continuity of operations ~~[of the Texas military forces]~~, is confidential *and is exempt from disclosure under Chapter 552, Government Code*, and may not be disclosed by the office except as provided by Subsection (b), other provisions of this subchapter, or other law. Classified or sensitive information ~~[of the Texas military forces]~~ specifically preempted from disclosure by federal law retains the confidentiality protection provided by this section for all purposes, including disclosure to the office.

(b) *Forms, standards, and other instructional, informational, or planning materials*